

Information for Cost/Benefit Analysis for Rule LSA Document #06-182 (Solid Waste Management Board)

Submitted to Office of Management and Budget: 8-28-06

Publication of Findings and Determination of the Commissioner pursuant to IC 13-14-9-7 and Second Notice of Comment Period: 9-1-05 (29 IR 3439)

Projected Date of Preliminary Adoption of Rule: 9-19-06

This information is provided to OMB pursuant to Financial Management Circular #2006-2.

Statement of Need

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to 329 IAC 9 concerning additional measures to protect groundwater by requiring new and existing tanks and piping to have secondary containment within a thousand (1,000) feet of any community public water supply system or potable drinking water well.

Outreach/Public Participation

This rulemaking is conducted under IC 13-14-9 and follows the steps described by the statute. This is an incorporation of federal law and guidance and does not require public participation.

Impact on State and Local Government

There is no fiscal impact associated with this rulemaking. Because this rule incorporates federal law and required federal guidance there is no additional impact to state and local government.

\$500,000 Impact

There is no fiscal impact associated with this rulemaking.

Evaluation of Costs & Benefits

There are no costs imposed by the rule. The benefits are not quantifiable at this time; however ground water protection is the target.

Do Direct and Indirect Benefits Justify Costs?

Yes, because there is no fiscal impact or cost associated with this rulemaking.

Alternatives

The Energy Policy Act of 2005, Public Law 109-58, effective August 8, 2005, contained under Subtitle B the Underground Storage Tank Compliance Act. Under Section 1530 of the Act, Congress requires additional measures to protect ground water by requiring one of the following:

1. Each new underground storage tank or piping connected to any such new tank, installed after February 8, 2007, or any existing underground storage tank, that is replaced after February 8, 2007, must be secondarily contained and monitored for leaks if the new or replaced underground storage tank or piping is within 1,000 feet of any existing community water system or any existing potable drinking water well; or

2. A person that manufactures an underground storage tank or piping for an underground storage tank system or that installs an underground storage tank system is required to maintain evidence of financial responsibility in order to provide for the costs of corrective actions directly related to releases caused by improper manufacture or installation unless the person can demonstrate themselves to be already covered as an owner or operator of an underground storage tank.

As the Solid Waste Board does not regulate the manufacturers of underground storage tanks, the only option is implementation of a requirement for secondary containment for the tanks.

Sources of Information

There is no fiscal impact or cost associated with this rulemaking.

For additional information please contact:

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